



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2301572  
**Applicant Name:** Julie Ledoux  
**Address of Proposal:** 11754 Lakeside Avenue Northeast

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two (2) parcels of land in an Environmentally Critical Area (ECA) – Steep Slope. Proposed parcel sizes are: A) 7,331 sq. ft. and B) 8,720 sq. ft. The existing single family residence will be removed.

The following approvals are required:

**Short Subdivision** - to subdivide one existing parcel into two parcels.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA Threshold Determination** (Chapter 25.05 SMC)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction

## **BACKGROUND DATA**

### **Site & Area Description**

The 23,497 square foot project site is located in a Single Family residential zone with a minimum lot size of 7,200 square feet (SF 7200) in the northeast area of Seattle. The site is parallelogram in shape with a moderate to steeply sloping hillside overlooking Lake Washington. This site is located down slope of Lakeside Avenue Northeast, upslope of the Burke-Gilman Trail and immediately south of Northeast 119<sup>th</sup> Street (unopened street). An existing residence and detached storage shed are built on the site.

The subject site fronts on Northeast 119<sup>th</sup> Street. This unimproved street is steeply sloped and heavily vegetated. Access to the site parcel is via a driveway easement leading from Lakeside Avenue Northeast. Lakeside Avenue Northeast is a 60' wide unimproved street with paved roadway and no curbs, sidewalks or gutters. Both streets are classified as non-arterial streets, pursuant to SMC Chapter 23.53.

The topography of the site slopes steeply downward from the west, modestly slopes in the middle and continues to steeply slope downward towards the east. The site is modestly vegetated with mature trees and shrubs in all four corners of the site. The entire site is identified as Environmentally Critical Area – Steep Slope. The applicant has been granted a limited exemption from ECA steep slope development standards under project # 2103611 for the lower steep slope that borders the northeast property line based on steep slope having been created by previous legal grading activities.

Surrounding properties and blocks are also zoned SF 7200. Development in the area consists of a variety of one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

### **Proposal**

The proposal is to subdivide one parcel of land into two (2) parcels. The proposed parcel sizes are: A) 7,331 sq. ft. and B) 8,720 sq. ft. Proposed lots will have access via easements across private property from Lakeside Avenue Northeast. The existing single family residence and detached storage shed will be removed. The subject of this analysis and decision is only the proposed division of land.

### **Public Comment**

During the public comment period which ended May 7, 2003, DPD received four written comment letters including a letter from the Seattle Parks and Recreation Department concerning future construction impacts to the Burke-Gilman Trail. The remaining comment letters voiced concerns related to access impacts, quality of soil testing, future drainage impacts and impacts to the historic character of the neighborhood.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 7,200 square feet. The allowed use in a single family zone is one dwelling unit per lot. Maximum lot coverage is 35%. Front yards are an average of the neighboring adjacent lots, or twenty (20) feet, which ever is less. The minimum side yard setback is five (5) feet. Minimum rear yard setback is twenty-five (25) feet or 20% of the lot depth, whichever is less. The lots created by this proposed division of land will conform to all development standards of the SF 7200 zoning district. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The proposed lots will have vehicular access to Lakeside Avenue Northeast, consistent with the provisions of the Code. The Seattle Fire Department has no objection to the proposed short plat, so long as any structure proposed on Parcel B is protected by automatic sprinklers monitored by an approved central station service, due to the excessive distance from Seattle Fire Department vehicle access. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does not require an easement to provide for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on April 7<sup>th</sup>, 2003 (WAC ID No. 2003-0337).

A public sanitary sewer (PSS) in the unopened Lakeside Place Northeast right-of-way is available for sanitary-only discharge from both proposed parcels. The existing house currently connects to the PSS.

The submitted short plat survey shows a sanitary sidesewer from the house addressed 11748 Lakeside Avenue Northeast running under proposed Parcel A and connected to the PSS. Although this connection is not recorded in the City sidesewer records, City records do not show any sidesewer for the noted house and it may be assumed that the survey is correct.

No public storm drainage systems are in the immediate vicinity of this proposed short plat. The best method for transporting and discharging stormwater runoff from new construction on either proposed parcel appears to be a shared detention system and service drain discharge to the ditch and culvert system in Lakeside Place Northeast. A standard drainage control plan is required prior to issuance of any related building permit. There are no public storm drains in the vicinity of this proposed short plat. Discharge of stormwater runoff from new construction on either proposed parcel will be required. Infiltration of stormwater runoff may be allowed depending on new impervious areas and percolation rates.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing

would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

The proposal site contains steep slope environmentally critical areas as defined in Seattle Municipal Code Chapter 25.09. A limited Environmental Critical Area (ECA) exemption was granted for this site under project #2103611. The limited exemption is based on the fact that when the existing house was constructed, the 40% slopes were created as part of the construction permit. In this respect, the ECA Steep Slope Development Standards are waived (i.e., the threshold disturbance level of 30% of the Steep Slope Critical Areas no longer applies) for the lower steep slope that borders the northeast property line based on the steep slope having been created by previous legal grading activities. However, the exemption was denied for the upper Steep Slope Critical Area, identified within approximately 15 to 40 feet of the southwest property line. The property as a whole is still subject to ECA review and the corresponding submittal standards. A geotechnical report has been submitted to demonstrate that the site can be safely developed without adverse impacts resulting from this exemption. The ECA General, Submittal, and Landslide Hazard standards, and other related development standards still apply.

Provisions of SMC 25.09.240.D states in part that the identified steep slope areas and their required buffer areas within the proposed subdivision or short subdivision shall receive no development credit for use in calculating minimum lot area requirements. The identified environmentally critical area, associated buffer and easement areas were not used for development credit when calculating the number of lots permitted. The 23,497-square foot site contains 5,096 square feet of steep slope and 1,310 square feet of steep slope buffer for a net area of 17,091 square feet. Therefore, the net area allows subdivision of the subject site into a maximum of two lots.

The environmentally critical areas must be shown on the face of the plat with a note that this short subdivision is subject to the Environmentally Critical Areas Standards of Chapter 25.09 of the Seattle Municipal Code and no development of the steep slope areas shall be permitted.

Prior to, or with the recording of this short plat and pursuant to SMC 25.09.240.A, the final short plat must include a covenant that restricts development to the areas specified on the approved site plan (those areas outside of the steep slope and its buffer). Additionally, pursuant to SMC 25.09.060.B.3, Application Submittal Requirements, General Requirements and Development Standards, permanent visible markers shall be placed along the top of the steep-slope buffer to delineate the buffer no build area and must be shown and described on the plat prior to recording. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface

and indicate the purpose of the marker. Markers shall be placed at all points along the buffer delineation where the buffer changes direction from a straight line, exclusive of the exempted access area. Markers must be in place before issuance of this short subdivision permit.

An unmapped riparian corridor and wetland area was identified in the soils report and mentioned by owners of adjacent down slope lots. Two site visits were conducted by the DPD Senior Ecologist to investigate these ECAs. After analysis of the information in the Wetland Site Assessment Report submitted on November 11, 2003, the DPD Senior Ecologist concurred that the wetland area observed during previous site visits was created by a broken sewer line from the existing house. Thus, this “artificial” wetland is non-jurisdictional.

In turn, the DPD Senior Ecologist determined that the development site does contain a Riparian Corridor as defined in Seattle Municipal Code Chapter 25.09. An existing drainage swale flows onto the southwest corner of proposed Parcel B creating an alluvial fan and then continues to flow back into the ravine within the Northeast 119<sup>th</sup> Street right-of-way. The drainage would be considered a Class B Riparian Corridor to approximately the location of the northwest corner of Parcel A at which point it flows year round and therefore is a Class A Riparian Corridor. Thus, the environmentally critical areas general, submittal and riparian corridors standards including buffers and other related development standards are applicable. This shall be noted on the final plat. The environmentally critical areas shall be identified on the face of the final plat.

New construction on Parcel B containing the Riparian Corridor will also be subject to the provisions SMC Chapter 25.09, Regulations for Environmentally Critical Areas. Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance with all applicable requirements of the Land Use Code and Policies pertaining to Environmentally Critical Areas Ordinance. Therefore, this proposed short subdivision is in conformance with City of Seattle Policies and Regulations for development in Environmentally Critical Areas.

6. *Is designed to maximize the retention of existing trees;*

There are fourteen (14) trees located on the site. Most of these trees can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. No trees will be removed from the identified ECA and ECA buffer areas. Per the arborist report submitted July 17, 2003, two trees were identified on Parcel A that should be retained and protected during construction. The 25” diameter Western white pine located near the southern corner of Parcel A is an exceptional tree because of its diameter, good health and location. The 24” diameter Douglas fir does not meet the exceptional criteria but due to its proximity to the pine and

the property line as well as its size it should be protected also. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 which sets forth tree planting and exceptional tree protection requirements on single family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

### **SEPA DETERMINATION**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 28, 2003. The information in the checklist, a Geotechnical Report prepared by TubbsGeosciences, dated October 21, 2002, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

### **DECISION**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

### **CONDITIONS - SEPA**

None.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### **Conditions of Approval Prior to Recording**

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval, and any necessary fees.
3. Tree removal or tree topping of regulated trees on this property is prohibited pursuant to SMC 25.11.040. Exemptions to this restriction pursuant to SMC 25.11.030 may apply. Tree preservation and planting options and landscaping requirements of Seattle, Municipal Code 23.44.008 require trees for new single-family development-This shall be noted on the face of the plat.
4. A no-protest agreement for future improvements to Lakeside Avenue Northeast and Northeast 119<sup>th</sup> Street shall be signed and recorded with the King County Department of Records and Elections.
5. Add the conditions of approval to the face of the plat.



6. Include an easement for the existing sidesewer from 11748 Lakeside Avenue Northeast. As an alternative, the sidesewer from the noted house may be re-routed away from the proposed short plat or re-routed within the short plat. The latter alternative would nevertheless require an easement.
7. Include a utility easement from proposed Parcel A to proposed Parcel B to allow for a shared sidesewer line to the PSS in the unopened Lakeside Place Northeast right-of-way. The utility easement should be able to accommodate a shared detention system and service drain, as well.
8. Include a recorded easement through neighbor's property (11758 Lakeside Avenue Northeast) or right-of-way (Northeast 119<sup>th</sup> Street) allowing underground water service per Water Availability Certificate (WAC) #2003-0337 on the final short subdivision.
9. The following Seattle Fire Department condition shall be shown on the face of the final mylar: "Future single family residence on parcel B shall have automatic sprinklers monitored by an approved central station service due to excessive distance from Seattle Fire Department vehicle access."
10. Permanent visible markers along the top of the steep-slope buffer to delineate the buffer no build area must be shown and described on the plat prior to recording. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the buffer delineation where the buffer changes direction from a straight line, exclusive of the exempted access area. Markers must be in place before issuance of this short subdivision permit.
11. Identify the Class A and Class B Riparian Corridor buffer areas on the plat as required per SMC 25.09.140.B. Include the additional buffer area measurement on the plat and subtract this area from the net allowed development area.
12. Provide an easement, covenant, or other agreement to allow posting and maintenance of address signage for Parcels A and B on the 12' road easement or 15' driveway easement in a manner appropriately visible from Lakeside Avenue Northeast.
13. A joint use and maintenance agreement for the driveway easement from Parcel A to Parcel B must be provided with the final recording documents.
14. Specify the location, description and removal of all trees at least 6" in diameter measured 4.5' above the ground, with correct species per Arborist report indicated on the face of the plat.

15. Identify all trees (White western pine and Doug fir) that require tree protection per the Arborist report on the face of the plat.
16. Pursuant to subsection A of SMC 25.09.240, the final short plat must include a covenant that restricts development to the area of the ECA Steep Slope and required buffer area. The covenant shall be in the form given to the applicant by DPD.
17. Identify the location of the environmentally critical areas on the face of the plat and insert the following on the face of the plat:

“This site contains Environmentally Critical Areas (ECAs) as defined in SMC 25.09. The ECA General, Submittal, Steep Slope and Landslide-prone Hazard Development Standards and other related development standards of Chapter 25.09 of the Seattle Municipal Code apply to development on the site.”

Prior to the Individual Transfer or Sale of Lots

1. Legally demolish or remove the existing structure (single family residence) prior to sale, purchase, or other ownership transfer of any of the parcels.

After Recording and Prior to Issuance of Any Building Permits

The owner(s) and/or responsible party(s) shall:

1. Attach a copy of the recorded short subdivision to all copies of future building permit application plans.
2. Attach a copy of the approved drainage plan to all copies of future building permit application plans.
3. Attach a copy of the approved tree protection landscape plan. Plans should meet all requirements per Arborist report. Final design must be reviewed by City of Seattle Forester prior to final approval.

Prior to Final Approval or Certificate of Occupancy

The owner(s) and/or responsible party(s) shall:

1. A street address sign shall be erected in front of the easement road on Lakeside Avenue Northeast that shall show addresses for the lots having access on the subject easement roadway.

Signature: (signature on file) Date: December 22, 2003

Tamara Garrett, Land Use Planner  
Department of Planning and Development  
Land Use Services

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